

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hans Martin GÜNDNER et al.

**Mail Stop PCT**

Serial No. 10/019,491

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Filed December 31, 2001

Attn: Office of PCT  
Legal Administration

APPARATUS AND METHOD FOR  
SAFEGUARDING ELECTRONIC  
EQUIPMENT FROM THEFT

**SECOND RENEWED PETITION UNDER 37 CFR §1.47(a)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This replies to the Decision of May 22, 2003.

In that Decision, status under 37 CFR §1.47(a) was dismissed without prejudice, because petitioner had allegedly not shown that a diligent effort was made to locate Mr. Andreas LÖFFLER. Consequently the PCT Legal Examiners concluded that the petitioner had submitted insufficient factual proof of the inventor's refusal to execute the application papers.

Accordingly, there is submitted herewith a supplemental declaration from Mr. Henrik JOHANSSON, the foreign patent agent who entrusted the undersigned registered patent attorney to enter the national stage in the United States for the above-captioned application. Mr. Henrik JOHANSSON has first-hand knowledge of the facts surrounding the refusal to execute the application papers by Mr. Andreas LÖFFLER.

In his supplemental declaration, Mr. JOHANSSON declares that his search for Mr. Andreas LÖFFLER's whereabouts in the German city of Esslingen am Neckar was conducted on the web-based address search service provided by www.teleauskunft.de and www.das-ortliche-online.de. According to these services, at present there is no addressee bearing the name of Mr. Andreas LÖFFLER in this German city. Mr. JOHANSSON states that searching for the same person in the entire country of Germany, which has about 80 million people, was not considered to be meaningful in view of the relatively common name of Andreas LÖFFLER in Germany. However, as evidence of the functionality of these services, the address and telephone number of one of the other co-inventors, Mr. Hans Martin GÜNDNER, is enclosed.

Mr. JOHANSSON declares that he telephoned the German National Post Office in the city of Esslingen am Neckar in Germany; however, no additional information as to the current address of Mr. Andreas LÖFFLER was forthcoming. Mr. JOHANSSON also states that several inquiries were also made to the Swedish Directory Inquiries Bureau for foreigners.

Mr. JOHANSSON then sent an e-mail to three separate known e-mail addresses of Mr. Andreas LÖFFLER (see the accompanying e-mail of June 17, 2003). One of the e-mails actually did reach Mr. Andreas LÖFFLER, who confirmed receipt thereof on June 23, 2003. Mr. JOHANSSON declares that in mid-July, 2003 he received a voice mail on his mobile phone from Mr.

Andreas LÖFFLER, and on July 21, 2003 following a telephonic discussion, he received written confirmation of Mr. LÖFFLER's intent not to execute the application papers (see the e-mail of July 21, 2003). Accompanying Mr. JOHANSSON's declaration are all the e-mail messages, including evidence of failure to deliver the message to one of the three addresses ([al@lefty01.com](mailto:al@lefty01.com)), even though such address was said to have been operational. Mr. JOHANSSON's declaration also includes previous correspondence between Staffan BOSTRÖM, a representative of IUC SJUHÄRAD AB (the current assignee), Mr. Andreas LÖFFLER and a German attorney at law named Dr. Ralf EK.

Mr. JOHANSSON declares that as soon as the e-mail confirmation of receipt by Mr. LÖFFLER was received, he once again sent by registered mail to Mr. Andreas LÖFFLER a cover letter dated July 1, 2003 together with the **complete** application text, assignment and Combined Declaration and Power of Attorney documents. These documents were received by him as can be verified by the accompanying return receipt, which unfortunately was slightly damaged during delivery, and has been repaired by the Swedish Post Office.

In any event, as is evidenced by the July 21, 2003 e-mail from Mr. Andreas LÖFFLER to Mr. Henrik JOHANSSON, Mr. LÖFFLER clearly indicates that he has received the documents in question, and has decided **not** to execute the application papers.

In his June 23, 2003 e-mail to Mr. Henrik JOHANSSON, Mr. Andreas LÖFFLER provides his current address as Furtwangerstrasse 14, 71034 Boeblingen, Germany. Consequently, there is submitted herewith a Supplemental Application Data Sheet, which provides the correct address for Mr. Andreas LÖFFLER.

In view of the above remarks, and Mr. JOHANSSON's supplemental declaration, as well as the materials previously submitted on April 22, and December 30, 2002, it is believed that this application may now be accorded status under 37 CFR §1.47(a) and that the petition may now be granted. Such grant is respectfully solicited.

Respectfully submitted,

YOUNG & THOMPSON

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July 22, 2003

Supplemental Application Data Sheet

**Application Information**

Application Type:: Regular  
Subject Matter:: Utility  
Suggested Classification::  
Suggested Group Art Unit::  
CD-ROM or CD-R?:: None  
Number of CD disks::  
Number of Copies of CDs::  
Sequence Submission?:: None  
Computer Readable Form (CRF):: No  
Number of copies of CRF:: 0  
Title:: APPARATUS AND METHOD FOR  
SAFEGUARDING ELECTRONIC  
EQUIPMENT FROM THEFT  
Attorney Docket Number:: 1501-1121  
Request for Early  
Publication?:: No  
Request for Non-Publication?:: No  
Suggested Drawing Figure::  
Total Drawing Sheets:: 2  
Small Entity?:: Yes  
Latin Name::  
Variety Denomination Name::  
Petition Included?:: No  
Petition Type::  
Licensed US Gov't Agency::  
Contract or Grant Numbers::  
Secrecy Order in Parent No  
Appl.?::

**Applicant Information**

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#### **Representative Information**

Representative Customer Number::	000466
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#### **Domestic Priority Information**

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This applicatio	National Stage of	PCT/SE00/01407	7/3/00

**Foreign Priority Information**

Country::	Application Number::	Filing Date::	Priority Claimed::
SWEDEN	9902532-2	7/1/99	Yes

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